

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MCOM IP, LLC,

Plaintiff,

v.

BACKBASE U.S.A. INC.,

Defendant.

CIVIL ACTION NO.
1:23-cv-02145-LMM

DEFENDANT’S PROPOSED SCHEDULE

COME NOW, Defendant BackBase, U.S.A. Inc., and, pursuant to the Court’s Order [Doc. 42], submit for entry a proposed schedule setting the deadlines for moving this case forward. Since the Complaint was filed in the Southern District of New York, Plaintiff mCom IP, LLC’s asserted patent, U.S. Patent No. 8,862,508 went through an IPR proceeding, and, as a result, only four claims remain in the ’508 Patent, including claims 2, 4, 8, and 17. Becasue the Court in New York did not rule on Backbase’s Motion to Dismiss pursuant to Rule 12(b)(6) [Doc. 14], which was filed only with respect to claim 13, as only claim 13 was identified in the Complaint [Doc. 1], and since the defect in claim 13 that was the subject to Defendant’s motion to dismiss also exists in claims 2, 4, 8, and 17, Defendant proposes that the preferred

approach is to resolve the substantive issue contained in Defendant's motion to dismiss. As such, Defendant proposes the following schedule:

<u>EVENT</u>	<u>DEADLINE</u>
Defendant's Renewed 12(b)(6) Motion	June 30, 2023
Plaintiff's Response to Defendant's Renewed Rule 12(b)(6) Motion	July 14, 2023
Defendant's Reply in Support of its Renewed 12(b)(6) Motion	July 28, 2023
Parties' Joint Report Regarding Further Actions and Deadlines in this Matter	Ten (10) days after Court's Order on Defendant's Renewed 12(b)(6) Motion

While Plaintiff communicated agreement to the events and dates in the table above by email, Defendant provided a final draft of the Proposed Schedule and requested approval to file. However, Plaintiff has not responded. Hence, Defendants file this proposed schedule as Defendant's Proposed Schedule but with the understanding that Plaintiff is in agreement with the events and dates recited above.

For the Court's convenience, a Proposed Order containing the proposed schedule above is attached.

Respectfully submitted this 21st day of June, 2023.

/s/N. Andrew Crain

N. Andrew Crain

Georgia Bar No.: 193081

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2023, the foregoing was filed using the Court's ECF system, which will automatically send electronic notice of such filing to all attorneys of record. By separate email, the undersigned also represents that a copy has been emailed to:

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/s/ N. Andrew Crain
N. Andrew Crain